

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

BIENVENIDO I. LUGO MARCHANT,  
Plaintiff,

v.

PETER TSICKRITZIS, KEVIN  
KINGSTON and UNITED LIQUORS  
LIMITED,  
Defendants.

Civil Action No. 05 11317 NMG

**DEFENDANTS' MOTION TO COMPEL RESPONSES  
TO OUTSTANDING DISCOVERY**

Defendants, United Liquors Limited, Peter Tsickritzis and Kevin Kingston ("Defendants"), hereby move pursuant to Fed. R. Civ. P. 37(a) and Local Rule 37.1 for an order compelling Plaintiff, Bienvenido I. Lugo Marchant ("Plaintiff"), to respond to Defendants' First Set of Interrogatories Propounded By Defendants to Plaintiff and to Defendants' First Set of Requests For Production of Documents of Defendants To Plaintiff, Bienvenido I. Lugo Marchant, which were served on January 6, 2006. To date, no responses have been provided. Defendants submit a memorandum and the Affidavit of Joan Ackerstein in support of this motion.

**LOCAL RULES 7.1(A)(2) and 37.1 CERTIFICATION**

Counsel for Defendants, Joan Ackerstein, hereby certifies that on February 13, 2006, she wrote to Plaintiff and asked him to call her so that they could discuss the outstanding discovery responses. To date, Plaintiff has not responded to that request. Accordingly, the issues have not been narrowed.

Respectfully submitted,

UNITED LIQUORS LIMITED,  
PETER TSICKRITZIS and KEVIN KINGSTON  
By their attorneys,

/s/ Joan Ackerstein  
Joan Ackerstein, BBO #348220  
JACKSON LEWIS LLP  
75 Park Plaza, 4<sup>th</sup> Floor  
Boston, MA 02116  
(617) 367-0025; fax: (617) 367-2155

Dated: March 3, 2006

**Certificate of Service**

I hereby certify that on March 3, 2006, this document was served upon Plaintiff, Bienvenido I. Lugo Marchant, 19 Grove Street, Brockton, MA 02301, by first class mail, postage prepaid.

/s/ Heather L. Stepler  
Jackson Lewis LLP